

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

-----X	*	FAA Docket No.: 2020SO150008
FEDERAL AVIATION ADMINISTRATION,	*	
	*	
Complainant,	*	
	*	
v.	*	
	*	
COLLINGS FOUNDATION	*	October 15, 2021
	*	
Respondent.	*	
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RESPONDENT'S REQUEST FOR HEARING

Pursuant to 14 CFR § 13.16(g)(2)(ii), Respondent, Collings Foundation (hereinafter "Respondent"), by and through its undersigned counsel, hereby submits this Request for Hearing pursuant to the Administrator's Final Notice of Proposed Civil Penalty dated September 30, 2021 in Case No.: 2020SO150008, a copy of which is annexed hereto.

Please be advised that Respondent is filing a Motion to Stay simultaneously to the within Request for Hearing.

Respectfully submitted,

LAW OFFICES OF PAUL A. LANGE, LLC

By: 
Paul A. Lange
Alison L. Squicciarro

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Attorney for Respondent

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

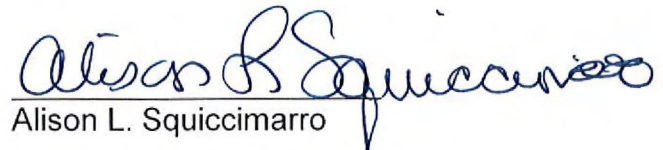
-----X	*	FAA Docket No.: 2020SO150008
FEDERAL AVIATION ADMINISTRATION,	*	
	*	
Complainant,	*	
	*	
v.	*	<u>CERTIFICATE OF SERVICE</u>
	*	
COLLINGS FOUNDATION,	*	
	*	
Respondent.	*	
-----X		

The foregoing Respondent's Request for Hearing is being sent via U.S. First Class Mail and electronic mail to the below listed parties. I hereby certify that I have this day served the foregoing Request for Hearing via electronic mail followed by U.S. Mail upon:

Andrew Lambert, Esq.
Attorney, Enforcement Division AGC-300
Federal Aviation Administration
800 Independence Ave. SW.
Washington, D.C. 20591
Email: Andrew.Lambert@faa.gov

Federal Aviation Administration
Wilbur Wright Building – Suite 2W1000
800 Independence Avenue, S. W.
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430
Email: HearingDocket@faa.gov

Dated: October 15, 2021


Alison L. Squicciarro



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

Enforcement Division

U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED
and FIRST-CLASS MAIL

September 30, 2021

President
Collings Foundation
P.O. Box 248
Stow, MA 01775-0248

RE: Collings Foundation, FAA Case No. 2020SO150008

FINAL NOTICE OF PROPOSED CIVIL PENALTY

The Federal Aviation Administration (FAA) notified you through a Notice of Proposed Civil Penalty dated August 21, 2020, that the FAA proposed to assess a civil penalty in the amount of \$247,000 for your alleged violation(s) of 14 C.F.R. §§ 91.315 and 91.13. After considering all of the information presently part of this proceeding, it appears that:

1. At all times material herein, the Collings Foundation ("the Foundation") was the registered owner of civil aircraft, N551CF.
2. N551CF is a P-51D Mustang airplane.
3. N551CF is a limited category aircraft.
4. On or about January 16, 2020, Collings received a copy of FAA Legal Interpretation Letter from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation and Regulations to Gregory Morris (Oct. 7, 2014).
5. The above-referenced FAA Legal Interpretation states, in part, "[a]s [14 C.F.R. § 91.315] does not set forth any exceptions for providing flight training for hire in a limited category aircraft, the only way to provide such training is pursuant to an exemption from this section of the regulations. The procedures and requirements for petitioning for an exemption are described in 14 C.F.R. part 11."
6. At all material times, the Foundation was not authorized to operate N551CF through an exemption under 14 C.F.R. part 11.
7. On or about January 17, 2020, the Foundation operated N551CF:

- a. The pilot in command was Nicholas Coutches;
 - b. An additional person, Tommy Parr, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
8. On or about January 17, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Nicholas Coutches;
 - b. An additional person, Donald Casavant, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
9. On or about January 17, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, James Parr, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
10. On or about January 18, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Carlos Cifuentes, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
11. On or about January 18, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Nicholas Coutches;
 - b. An additional person, Jeff Arnold, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
12. On or about January 19, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Nicholas Coutches;
 - b. An additional person, James Pugh, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
13. On or about January 24, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, John Kandes, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.

14. On or about January 25, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Frederick Bower;
 - b. An additional person, Frank Leggio, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
15. On or about January 25, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Frederick Bower;
 - b. An additional person, Templeton Hamilton, Jr., was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
16. On or about January 25, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, David Aggerholm, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
17. On or about January 26, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Robert Barone, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
18. On or about January 26, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Frederick Bower;
 - b. An additional person, Jim Irvin, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
19. On or about January 26, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Frederick Bower;
 - b. An additional person, Chris Stankis, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
20. On or about January 26, 2020, the Foundation operated N551CF:

- a. The pilot in command was Frederick Bower;
 - b. An additional person, Gifford Elyon, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
21. On or about January 26, 2020, the Foundation operated N551CF:
- a. The pilot in command was Frederick Bower;
 - b. An additional person, Scott Becker, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
22. On or about January 27, 2020, the Foundation operated N551CF:
- a. The pilot in command was Robert Pinksten;
 - b. An additional person, Michael Milligan, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
23. On or about January 28, 2020, the Foundation operated N551CF:
- a. The pilot in command was Frederick Bower;
 - b. An additional person, Ron Carlson, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
24. On or about January 29, 2020, the Foundation operated N551CF:
- a. The pilot in command was Robert Pinksten;
 - b. An additional person, Nicholas Bodven, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
25. On or about January 29, 2020, the Foundation operated N551CF:
- a. The pilot in command was Robert Pinksten;
 - b. An additional person, Joe Hostetler, was also on board during the operation;
and
 - c. The aircraft was operated for compensation or hire.
26. On or about January 29, 2020, the Foundation operated N551CF:
- a. The pilot in command was Robert Pinksten;

- b. An additional person, Michael Szlabowicz, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
- 27. On or about January 29, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Steve Haines, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
- 28. On or about January 29, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Robert Kasten, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
- 29. On or about January 29, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Marvin Sloin, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
- 30. On or about January 29, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Kevin Janiak, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
- 31. On or about January 30, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Michael Collins, was also on board during the operation; and
 - c. The aircraft was operated for compensation or hire.
- 32. On or about January 30, 2020, the Foundation operated N551CF:
 - a. The pilot in command was Robert Pinksten;
 - b. An additional person, Ken Kemna, was also on board during the operation; and

- c. The aircraft was operated for compensation or hire.

By reason of the foregoing, it appears that the Collings Foundation failed to comply with the following Federal Aviation Regulations:

- a. 14 C.F.R. § 91.315 in that no person may operate a limited category civil aircraft carrying persons or property for compensation or hire; and
- b. 14 C.F.R. § 91.13(a) in that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

Pursuant to 49 U.S.C. § 46301(a)(1), the Collings Foundation is subject to a civil penalty not to exceed \$34,174 for each violation of the Federal Aviation Regulations. Under 49 U.S.C. § 46301(a)(2), a separate violation occurs for each flight involving the violation. After reviewing our investigative file, we propose to assess a civil penalty in the amount of \$247,000 for these violations

Unless you submit the proposed civil penalty or an otherwise agreed-upon amount within 15 days after receipt of this Final Notice; or mail or personally deliver, in writing, a request for a hearing in this matter within 15 days after receipt of this Final Notice, we will issue an Order Assessing Civil Penalty, and you will have no further right to a hearing. If you do not submit a written request for a hearing or pay an otherwise agreed-upon amount, it must pay the proposed civil penalty. Any request by you for a hearing must be sent to the address of the Hearing Docket as follows:

For delivery by hand or expedited courier:

Federal Aviation Administration
600 Independence Avenue, S.W.
Wilbur Wright Building – Suite 2W1000
Washington, D.C. 20591
Attn: Hearing Docket Clerk, AGC-430

For delivery by U.S. mail:

Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Bldg – Suite 2W1000

A copy of any request for a hearing must also be served on:

Andrew P. Lambert
Enforcement Division, AGC-300
800 Independence Ave. SW,
Washington, D.C. 20591

The request for hearing must be dated and signed in accordance with 14 C.F.R. § 13.16.

Alternatively, you may pay the proposed civil penalty by submitting a certified check or money order payable to the Federal Aviation Administration, addressed to:

Attention: Kathy Gore
Mike Monroney Aeronautical Center

6500 South MacArthur Blvd.
General Accounting, AMK-322
Oklahoma City, OK 73169.

The check should reference the case number above (Case No. 2020SO150008). To pay the civil penalty with a major credit over the internet or by electronic funds transfer, follow the Electronic Payment Instructions (enclosed).

Please direct all communications to Andrew P. Lambert, 800 Independence Ave. SW, AGC-300, Washington, D.C. 20591, telephone (202) 267-7617, fax (202) 267-5106.

Due to the ongoing COVID-19 pandemic, related state and federal orders, and public health considerations, the FAA's ability to retrieve and send mail is limited. To the extent possible, please serve all documents on the assigned FAA attorney by email.

Cynthia A. Dominik
Assistant Chief Counsel for Enforcement

By: /s/Andrew Lambert
Andrew P. Lambert
Enforcement Division, AGC-300
800 Independence Ave. SW,
Washington, D.C. 20591
email: Andrew.Lambert@faa.gov
Telephone: (202) 267-7617 (direct)
(202) 267-5106 (fax)

Enclosures: Instructions for Electronic Payment

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Notice of Proposed Civil Penalty in FAA Case No. 2020SO150008 has been sent by U.S. Certified Mail, return-receipt requested, and First-Class Mail to:

President
Collings Foundation
P.O. Box 248
Stow, MA 01775-0248

Dated: _____

**U.S. Department of Transportation
Federal Aviation Administration
Office of the Chief Counsel
Enforcement Division**

INSTRUCTIONS FOR ELECTRONIC PAYMENT OF CIVIL PENALTIES

To Pay The Civil Penalty With A Major Credit Card Over The Internet:

1. Visit the web site at <https://www.pay.gov>.
2. In the search box type: "Federal Aviation Administration Civil Penalty Payments."
3. Scroll down to and click on "FAA Civil Penalty Payments Southern Region – FAA Headquarters."
4. Complete the requested information to pay by credit card.

To Pay The Civil Penalty By Electronic Funds Transfer –

You must include all of the following information with the electronic funds transfer:

Receiver Bank Name:	TREAS NYC
Receiver ABA (U.S. bank routing number):	FW021030004
Receiving Institution:	U.S. Treasury c/o Federal Reserve Bank of New York 33 Liberty Street New York, New York 10045
Account Number:	69001104
Beneficiary:	Federal Aviation Administration
Reference:	Case No. _____ Attn: Kathy Gore, AMK-322